

June 23, 2023

Via ECF

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Hon. Analisa Torres, U.S.D.J  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street  
New York, New York 10007

**Re: Thomas Moran v. MTA Metro-North Railroad Company, et al.**  
**C.A. No. 1:19-cv-03079-AT**

Dear Judge Torres

We represent the plaintiff Thomas Moran in the above-entitled action. The parties jointly write to request, an eleven-day extension of time from July 6, 2023 to July 17, 2023 to file a Motion for Attorneys' Fees and Costs per Fed. R. Civ. P. 54(d)(2), and a Request for Costs other than Attorneys' Fees per Fed. R. Civ. P. 54(d)(1). On May 31, 2023, the plaintiff filed a Rule 59 motion for a new trial on certain damages. The Court recently granted defendant's motion to extend the time to respond to plaintiff's Rule 59 Motion from June 22 to July 3 and to extend plaintiff's reply memorandum deadline from July 6 to July 17.

The plaintiff would like to include all billable time up to the completion of post-trial briefing in his application for attorneys' fees. See *Weyant v. Okst*, 198 F.3d 311, 315 (2d Cir. 1999) ("[b]ecause the 14-day period established by Rule 54(d)(2)(B) for the filing of a motion for attorneys' fees was introduced in large part to avoid piecemeal appeals of merits and fee questions, that 14-day period begins to run with the entry of a final judgment. And because the finality of a judgment is negated by the timely filing of a motion under Rule 50(b), 52(b), or 59, we conclude that a Rule 54(d)(2)(B) motion is timely if filed no later than 14 days after the resolution of such a Rule 50(b), 52(b), or 59 motion."); see also *Sorenson v. Wolfson*, 170 F. Supp. 3d 622, 628 (S.D.N.Y. 2016), *aff'd*, 683 F. App'x 33 (2d Cir. 2017).

This is the plaintiff's fourth request for an extension of time to File a Motion for Attorneys' Fees per Fed. R. Civ. P. 54(d)(2), and a Request for Costs other than Attorneys' Fees per Fed. R. Civ. P. 54(d)(1). The plaintiff's previous requests were granted.

Defense counsel, Attorney Steve Efron, consents to plaintiff's request for an eleven-day extension of time to file a Motion for Attorneys' Fees and Costs and for Costs other than Attorneys' fees from July 6, 2023 to July 17, 2023.

We thank the Court for its consideration of this request.

GRANTED.

SO ORDERED.

Dated: June 26, 2023  
New York, New York

  
ANALISA TORRES  
United States District Judge